



# University of Hawaii at Manoa

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## SB 2167, SD 1, HD 1 RELATING TO THE ENVIRONMENT

Statement for  
House Committee on Finance  
Public Hearing - 31 March 1982

By  
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SB 2167, SD 1, HD 1, would abolish the Environmental Quality Commission (EQC), transfer its responsibilities for administration of the State Environmental Impact Statement (EIS) System to the Office of Environmental Quality Control (OEQC) and the Environmental Council, and make certain other changes in the placement, structure, or functions of the OEQC and the Council. This statement on the bill has been submitted to the Legislative Subcommittee of the Environmental Center of the University of Hawaii but does not represent an institutional position of the University.

In the statement we will compare the provisions of the Senate version (SD 1) and the House version (HD 1) of the bill with respect to their four significant aspects.

### 1. Abolition of EQC and transfer of EIS system to OEQC and Council

The abolition of the EQC and transfer of its responsibilities for the EIS system to the OEQC as in SD 1 or to the OEQC and the Council as in HD 1 would reduce present confusion resulting from the existence of three bodies with similar names and hence is desirable.

### 2. Division of EIS system responsibilities between OEQC and Council

Both SD 1 and HD 1 would place most of the EIS-System responsibilities in the OEQC. However, HD 1 is preferable in that it would place the authority to hear appeals to EIS "preparation notice" and EIS non-acceptance determinations by agencies in the Council rather than in the OEQC where the appeal decisions would in practice be made by a single person, the OEQC Director.

In previous hearings there has been testimony to the effect that the OEQC is better constituted than the Council to exercise EIS-system responsibilities. Although both bodies must be appointed by the Governor in such a way as to assure broad representation, there are differences in the required representation:

EQC

Labor  
Management  
Construction industry  
Environmental interest groups  
Real estate groups  
Architects, engineers, planners

Council

Mass media  
Pertinent disciplines:  
Environmental design  
Sciences  
Technologies  
Ethics & philosophy

The claim that the Council is dominated by "professional environmentalists" is not supportable. Representation from environmental interest groups is indeed required only in the EQC.

Both SD 1 and HD 1 would place the responsibility to promulgate and hence revise EIS-system regulations in the OEQC. We suggest that the Council should have at least an explicit advisory role with respect to the regulations.

3. Structure and functions of Council

Both SD 1 and HD 1 would provide that the chairman of the Council be a member elected by the Council rather than the OEQC Director, although the Director would remain ex officio a member. HD 1 also provides, as SD 1 should have, that it is chairman not the Director who is to call Council meetings.

SD 1 would delete several very useful functions of the Council that HD 1 would retain. However, HD 1 provides that, in addition to its present functions and the EIS appeal function, the Council would "determine and define the long range environmental goals of the State and exercise such direction of the OEQC to achieve such goals." Although the Council may appropriately advise on such goals, it is the Legislature that should establish them; and although the Council is expected to advise the OEQC Director on the achievement of the goals, it is the Director who must direct the OEQC. We suggest that the proposed provision be deleted from HD 1.

Strengthening OEQC

Whereas SD 1 would leave the OEQC where it is now placed for administrative purposes, in the Department of Health (DOH), HD 1 would place it for administrative purposes in the Department of Budget and Finance (B&F).

In the DOH the OEQC has languished. The problem is that the DOH has its own environmental responsibilities, but they are not as broad as those of the OEQC, which is intended to coordinate environmental matters of all state departments. Placement of the OEQC in B&F, as proposed in HD 1, is preferable because B&F is environmentally "neutral."

No matter where placed, the OEQC will require a strong director. Not only does it now have no permanent Director, there is no provision in the budget for the Director's salary. We note that HB 2049, HD 1 would appropriate funds for the Director's salary, although the question that the amount, \$30,000, is sufficient to attract the kind of person needed in the position.